

ORDINANCE NO. 86-27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS PROVIDING FOR AMENDMENT TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR NON-INTERFERENCE CLAUSE PROVIDING FOR TITLE; PROVIDING FOR ADOPTION OF AMENDMENT TO CHARTER; PROVIDING FOR REFERENDUM; PROVIDING FOR BALLOT LANGUAGE; PROVIDING FOR FORM OF NOTICE; PROVIDING FOR ADOPTION BY FOUR-FIFTHS VOTE OF BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Section 1(c), Article VIII of the Constitution of the State of Florida provides that by general law a county government may be established by charter, and

WHEREAS, the optional county charter law, Sections 125.80 through 125.88, Florida Statutes, (inclusive), provide that the Board of County Commissioners may propose a charter by ordinance subject to approval of the charter by referendum, and

WHEREAS, the voters of Palm Beach County did adopt a charter for Palm Beach County at the general election on November 6, 1984 effective January 1, 1985, and

WHEREAS, the Board of County Commissioners through its staff has proposed charter amendments it feels would provide better government for Palm Beach County, and

WHEREAS, informational hearings on the proposed charter amendments have been held throughout Palm Beach County to inform the public about this charter amendment ordinance and to receive suggestions to improve the charter, and

WHEREAS, passage of this ordinance will allow the residents of Palm Beach County to adopt the proposed charter amendment or not at a general election to be held November 4, 1986.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1 - TITLE:

This ordinance may be cited as the "Non-Interference Clause Charter Amendment Ordinance".

1 SECTION 2 - ADOPTION OF CHARTER AMENDMENT:

2 Subject to the approval of the electorate as required by the
3 Constitution and Laws of Florida and Section 3 of this ordinance, the
4 amendment to the charter entitled "Non-Interference Clause" shall be as
5 follows:

6 Section 2.5 Non-Interference Clause

7 Except for the purposes of inquiry and information, the
8 commission members are expressly prohibited from interfering with the
9 performance of the duties of any employee who is under the direct or
10 indirect supervision of the county administrator. Such action shall be
11 malfeasance within the meaning of Article IV, Section 7(a) of the Florida
12 Constitution.

13 SECTION 3 - REFERENDUM:

14 On November 4, 1986, a general election is to be held and in
15 accordance with the requirements of the Constitution and Laws of Florida,
16 the question on the ballot shall be as follows:

17 NON-INTERFERENCE CLAUSE:

18 "Shall there be an amendment to the Palm Beach County Charter
19 providing for: prohibition of the members of the Palm Beach County
20 Commission from interfering with the daily administration of County
21 business; prohibition against interference with employees under
22 supervision of the County Administrator; acts of malfeasance under the
23 Florida Constitution?"

24 Yes_____

25 No_____

26 SECTION 4 - FORM OF NOTICE:

27 The form of notice of the election by which this charter
28 amendment shall be submitted to referendum shall contain the complete
29 text of this ordinance setting forth the entire proposed charter
30 amendments. This ordinance shall be advertised in its entirety as
31 provided by law.

1 SECTION 5 - ADOPTION BY FOUR-FIFTHS VOTE OF BOARD OF COUNTY

2 COMMISSIONERS:

3 Pursuant to Section 6.3 of the Palm Beach County Charter this
4 ordinance providing for amendment to the Palm Beach County Charter was
5 adopted by an affirmative vote of at least four (4) members of the Board
6 of County Commissioners of Palm Beach County.

7 SECTION 6 - SEVERABILITY:

8 If any section, paragraph, sentence, clause, phrase, or word of
9 this ordinance is for any reason held by the Court to be
10 unconstitutional, inoperative or void, such holding shall not affect the
11 remainder of this ordinance.

12 SECTION 7 - INCLUSION IN THE CHARTER:

13 The provisions of this charter amendment hereby approved shall
14 become and be made a part of the Charter of Palm Beach County, Florida.
15 The Articles or Sections of this charter amendment ordinance may be
16 renumbered or relettered to accomplish such, and the word "amendment" may
17 be changed to "section," "article," or any other appropriate word.

18 SECTION 8 - EFFECTIVE DATE:

19 The charter amendment shall become law on January 1, 1987, if
20 approved by a majority of those electors voting on the matter.

21 APPROVED AND ADOPTED by the Board of County Commissioners of
22 Palm Beach County, Florida, on the 26th day of August, 1986.

23 PALM BEACH COUNTY, FLORIDA, BY ITS
24 BOARD OF COUNTY COMMISSIONERS

25 By [Signature]
26 Chair

27 APPROVED AS TO FORM AND
28 LEGAL SUFFICIENCY

29 [Signature]
30 County Attorney

31 Acknowledgement by the Department of State of the State of
32 Florida, on this, the 5th day of September, 1986.

33 Acknowledgement from the Department of State
34 received on the 11th day of September, 1986, at 1:23 P.M., and filed in
35 the Office of the Clerk of the Board of County Commissioners of Palm
36 Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on August 26, 1986
DATED at West Palm Beach, FL, on 9/15/86
JOHN B. DUNKLE, Clerk
By: [Signature] D.G.
Deputy Clerk